UNITED
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Security Council

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S/1998/990
23 October 1998

ORIGINAL: ENGLISH

LETTER DATED 22 OCTOBER 1998 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to bring the following matter to the attention of the Security Council.

Recent efforts to find a peaceful solution to events in Kosovo have resulted in agreements between the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Organization for Security and Cooperation in Europe and the North Atlantic Treaty Organization. The President of Serbia has also issued a statement on the principles of a political solution and on a timetable framework. While the agreements commit the Government of the Federal Republic of Yugoslavia to accept an international verification system in Kosovo, they contain no provisions regarding the obligation of the Federal Republic of Yugoslavia to cooperate with the International Tribunal for the Former Yugoslavia. Moreover, it would appear that the statement by the President of Serbia reserves to the domestic judicial system of the Federal Republic of Yugoslavia the right to investigate, prosecute and try offences committed in Kosovo that may fall within the jurisdiction of the International Tribunal.

This is of particular concern to the International Tribunal considering the history of its relationship with the Federal Republic of Yugoslavia, which is characterized by near-total non-compliance. Thus, I respectfully submit that it is imperative that the competence of the International Tribunal be unambiguously reaffirmed and that the obligation of the Government of the Federal Republic of Yugoslavia to cooperate with it is made an explicit part of any resolution of the situation in Kosovo.

As you are aware, in September of this year, I wrote to the Security Council and subsequently briefed its members on the continuing refusal of the Government of the Federal Republic of Yugoslavia to cooperate with the International Tribunal by failing to arrest and transfer to the custody of the International Tribunal three persons indicted by the International Tribunal. Mile Mrkšic, Miroslav Radić and Veselin Šljivančanin were indicted on

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7 November 1995 for the murder of 260 unarmed men following the fall of the city of Vukovar in November 1991. I recalled that in March 1996, international warrants of arrest were sent to all States, and that in April 1998, my predecessor reported to the Security Council the failure by the Federal Republic of Yugoslavia to arrest the three men. Today, these men remain at liberty and are believed to be residing in Serbia. Moreover, that Government has ignored the Security Council's decision that all States should adopt legislation necessary to implement the provisions of resolution 827 (1993) and the statute of the International Tribunal. It stands alone among the signatories to the General Framework Agreement for Peace in Bosnia and Herzegovina in neither having adopted such legislation, nor having transferred to the International Tribunal's custody those indictees on its territory. The Federal Republic of Yugoslavia has thus failed to comply with resolution 827 (1993) and the statute of the International Tribunal, in particular article 29 thereof.

With respect to events in Kosovo, the Security Council has confirmed on two occasions that the Federal Republic of Yugoslavia is bound under international law to comply with the International Tribunal. Resolution 1160 (1998), passed in March 1998, inter alia, noted that the authorities of the Federal Republic of Yugoslavia are so bound. In resolution 1199 (1998), the Security Council reiterated that obligation and called upon the Federal Republic of Yugoslavia and other concerned parties to cooperate fully with the International Tribunal.

I am, therefore, gravely concerned that the agreements concluded on the situation in Kosovo lack an explicit recognition of the obligation of the Federal Republic of Yugoslavia towards the International Tribunal. While they do require, inter alia, the Federal Republic of Yugoslavia to comply with the provisions of resolution 1199 (1998), there is no express commitment from the Government of the Federal Republic of Yugoslavia to cooperate with the International Tribunal. In this regard, I note with alarm that, in his statement, the President of Serbia declares that "no person will be prosecuted in State courts for crimes related to the conflict in Kosovo except for crimes against humanity and international law". This expression of the view of the Government of Serbia does not include a reference to the International Tribunal. I fear, therefore, that it represents an implicit attempt to deny the primacy of the International Tribunal and to disregard the legal requirement that Serbia, as a part of the Federal Republic of Yugoslavia, should facilitate the work of the International Tribunal.

While I hope that the Government of the Federal Republic of Yugoslavia will now cease its pattern of non-cooperation, I fear that in the absence of a specific commitment to obey the will of the Security Council, the International Tribunal will continue to experience further difficulties with the Government of the Federal Republic of Yugoslavia. In this regard, I note that since my address to the Security Council last month, the Federal Republic of Yugoslavia has taken no action to arrest the three indicted individuals referred to above.

The obligation to cooperate and comply is incontrovertible. It is not subject to alteration, negotiation or abrogation by any individual or Government. The Security Council, as the body with the authority to create the International Tribunal, is the only body that may revise or rescind this obligation. The Security Council has not done so, and thus the obligation

remains. Considering resolution 1199 (1998), it is clear that the Federal Republic of Yugoslavia may not impede the work of the Prosecutor as she carries out investigations within Kosovo. It is also clear that the Federal Republic of Yugoslavia must take all other action that is necessary to facilitate the work of the International Tribunal, including the arrest of indicted persons.

All States are subject to international law. All States must respect and ensure respect for their international obligations. In an era characterized by an increased emphasis on the human rights of individuals, the continued flouting by the Federal Republic of Yugoslavia of the will and the law of the international community jeopardizes all efforts to bring peace to the peoples of the former Yugoslavia. For these reasons, I respectfully urge the Security Council to take such action as is necessary to vindicate the status and primacy of the International Tribunal and to ensure that compliance by the Federal Republic of Yugoslavia is now forthcoming.

(Signed) Gabrielle Kirk MCDONALD
President

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23 October 1998

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LETTER DATED 22 OCTOBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE MISSION OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose the text of the Kosovo Verification Mission Agreement between the North Atlantic Treaty Organization and the Federal Republic of Yugoslavia (see annex).

I should be grateful if you could kindly arrange to have the present letter and its annex circulated as a document of the Security Council.

(Signed) A. Peter BURLEIGH
Chargé d'affaires a.i.

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Annex

Kosovo Verification Mission Agreement
between
the North Atlantic Treaty Organization
and
the Federal Republic of Yugoslavia

The North Atlantic Treaty Organization, hereafter called NATO,

represented by

General Wesley K. Clark
Supreme Allied Commander, Europe

and

The Federal Republic of Yugoslavia, hereafter called FRY,

represented by

Colonel General Momcilo Perisic
Chief of General Staff of the Army of Yugoslavia

Have agreed on the NATO Kosovo Verification Mission as follows:

NATO KOSOVO VERIFICATION MISSION

Introduction: In order to provide air surveillance to verify compliance by all parties with the provisions of UNSCR 1199, complementing the ground verification to be established by the OSCE, NATO and FRY agree to the establishment of an air surveillance system for Kosovo, to be known as the NATO Kosovo Verification Mission, and agree that NATO will implement it. This document establishes the terms of reference and governing procedures for this NATO Kosovo air verification system. The NATO Kosovo air verification system will be comprised of NATO non-combatant reconnaissance platforms, including U2, unmanned aerial vehicles (UAVs), and low and medium altitude manned reconnaissance platforms such as the P-3, Canberra, DeHaviland-7 ARL and comparably configured non-combatant platforms.

Flight Control Requirements

In order to create a cooperative and safe operating environment for the NATO Kosovo air surveillance mission and for the FRY Air Force and Air Defence Forces (FRADF), the following procedures shall apply:

- A mutual safety zone encompassing FRY airspace within a radius of 25 km from the contiguous boundary of Kosovo will be established, within which FRY Air Force fighter aircraft and Air Defence Forces will not conduct operations during the period of flight operations by NATO manned non-combatant reconnaissance platforms. This Mutual Safety Zone will be identified for all aircraft as follows: from latitude-longitude to latitude-longitude [to be specifically defined]. Additionally, NATO aircraft operating in support of the Kosovo Air Verification Mission will avoid all published instrument approach fixes within Kosovo and the Mutual Safety Zone;

  For manned low and medium altitude reconnaissance platforms, NATO flight operations will consist of a defined period to include a thirty-minute safety margin before and after announced NATO flights, and may be conducted at all times within the confines of Kosovo. For U2 and unmanned reconnaissance platforms, flight operations may be conducted at all times and do not require this thirty-minute safety margin:

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- In order to permit the FRY air force to comply with this requirement, the NATO flight operations coordinator will provide a weekly schedule of NATO non-combatant reconnaissance platform flight operations. NATO weekly schedules will make all attempts to provide FAADF appropriate time blocks (6-8 hours) to allow for requisite training requirements. In case of an emergent situation or weather and visibility problems, NATO may fly any of its non-combatant reconnaissance platforms with a one-hour notice. NATO authorities will contact FAADF liaisons immediately to advise of such flights so FAADF fighter aircraft can clear the Kosovo and Mutual Safety Zone airspace immediately;

- Commercial, civilian private aircraft, military air transport and rotary wing flight operations by FRY entities may be operated at any time without restriction, including during the period of NATO non-combatant reconnaissance platform operations. These FRY flight operations may operate anywhere in the sovereign airspace of the FRY. Prior coordination with the NATO Flight Operations Coordinator is not required for these flights; however, FRY flights will be operated to avoid interference with declared NATO flight operations;

- FRY fighter aircraft may fly within Kosovo and the Mutual Safety Zone at all times except when NATO manned low and medium altitude non-combat reconnaissance platforms are operating as described above;

- NATO aircraft will conduct aerial reconnaissance missions on a mutual non-interference basis;

- Airspace entry and exit points for manned non-combatant platforms will be through Albania and FYROM except if coordinated in advance.

FRY Integrated Air Defence System Requirements

During the duration of the NATO Kosovo Verification Mission, the following conditions apply within Kosovo and the Mutual Safety Zone:

- Early warning radars may operate unrestricted at all times;

- All SAMs and air defence weapons (includes acquisition, target tracking or other fire control radars, radar-controlled gun and man-portable air defence systems) will either be removed from Kosovo and the established Mutual Safety Zone, or placed in cantonment sites and not operated. Cantonment sites will be declared, geographic positions identified, and open for inspection. SA-6 Missiles and launchers may remain in deployed sites if separated from their cantoned acquisition, target tracking and fire control radars;

- All SAMs and air defence weapons outside the Mutual Safety Zone must refrain from acquisition, target tracking or otherwise illuminating (except with early warning and air traffic control radars) NATO Kosovo Verification Mission non-combatant reconnaissance platforms;

- Training and maintenance may be conducted on systems precluded from operation with 24-hour notification and approval. Additionally, systems in cantonment areas and deployed sites may be removed to areas outside Kosovo and the Mutual Safety Zone following the same provisions of this agreement;

- No SAMs or air defence weapons not initially identified in the Kosovo and Mutual Safety Zone may be brought into Kosovo.

Force Protection

Violations of any provisions of this agreement, to include unauthorized flight or activation of FRY Integrated Air Defence Systems (IADS) within Kosovo and the Mutual Safety Zone, will be immediately arbitrated through appropriate bilateral channels to determine liability and appropriate action to be taken.

Command and Control

In order to help assure the safe conduct of the NATO Kosovo air verification system, "Air Defence Liaisons" comprised of FRY and NATO representatives will be established at appropriate offices in Belgrade, and at the Combined Air Operations Centre (CAOC) in Vicenza, Italy.

The NATO Kosovo Air Verification Mission air surveillance activities and OSCE Kosovo Verification Mission ground surveillance activities will be coordinated between the OSCE Verification Mission Headquarters and NATO.

Status and Conditions

- The FRY government hereby guarantees the safety and security of the NATO Kosovo Verification Mission and all its members;

- The FRY government and its entities will designate formal liaison officers to work with the NATO Kosovo Verification Mission in Belgrade.

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Implementation and Transition Period

Implementation of this agreement is subject to the following provisions:

- Communications and liaison channels will be established between FAADF in Belgrade and CAOC, Vicenza as soon as possible following conclusion of this agreement;
- UI and UAV operations may commence within 72-hours of establishing communications and liaison channels;
- Within 15 days, 25 km boundary defining the Mutual Safety Zone will be agreed and identified by both parties on a common reference map;
- Within 15 days, published instrument approach fixes within Kosovo and the Mutual Safety Zone will be identified on a common reference map;
- FAADF will be provided 15 days after concluding this agreement to allow movement and cantonment of air defence systems and establish internal operational procedures of compliance;
- NATO will conduct a flight profile with a manned non-combatant reconnaissance platform prior to full initiation of the Kosovo Air Verification Mission to determine the operational concepts of this agreement. If during this validation profile, flight conduct and safety concerns are identified, NATO and FRY will agree to immediately establish changes to the provisions of this agreement to address the concerns of both parties.

Done at Belgrade on the 15th day of October 1998, in two originals, in the English, French and Serbian languages.

In the event of any dispute on the interpretation of the present Agreement, the English text will be authoritative.

For the North Atlantic Treaty Organization	For the Federal Republic of Yugoslavia
General Wesley K. Clark	Colonel General Momcilo Perisic

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24 October 1998
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Bahrain, France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to those resolutions, in particular his report of 5 October 1998 (S/1998/912),

Welcoming the agreement signed in Belgrade on 15 October 1998 by the Minister of Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) providing for the OSCE to establish a verification mission in Kosovo (S/1998/978), including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization (NATO) providing for the establishment of an air verification mission over Kosovo (S/1998/991, annex), complementing the OSCE Verification Mission,

Welcoming also the decision of the Permanent Council of the OSCE of 15 October 1998 (S/1998/959, annex),

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia;

2. Notes the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy (S/1998/953, annex), and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. Demands that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with

the OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. Demands also that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo;

5. Stresses the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. Demands that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the OSCE Verification Mission and other international personnel;

7. Urges States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo;

8. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the OSCE Verification Mission, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under this resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the OSCE is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. Reaffirms the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis;

14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the former Yugoslavia, including compliance with its orders, requests for information and investigations;

15. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. Requests the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of this resolution;

17. Decides to remain seized of the matter.

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LETTER DATED 23 OCTOBER 1998 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a statement on the meeting between Yugoslav President Slobodan Milosevic and Ambassador William Walker.

I should be grateful if you would have this letter and its annex published as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

STATEMENT ON THE MEETING BETWEEN PRESIDENT MILOSEVIC AND AMBASSADOR WALKER

The President of the Federal Republic of Yugoslavia Slobodan Milosevic received the Head of the OSCE Mission in Kosovo and Metohija, Ambassador William Walker with his associates.

President Milosevic expressed his expectation that the OSCE Mission will contribute to a comprehensive and objective assessment of the situation in Kosovo and Metohija, the speedy normalization of which is under way, as well as that it will positively influence the intensification of the initiated political process, through which peaceful resolution of existing problems will be ensured.

The President of the Federal Republic of Yugoslavia also expressed his expectation that successful cooperation between the State authorities of our country and members of the Mission will be realized. To that end, the Federal Government formed a Commission for the coordination of relations and liaison with the OSCE Mission, headed by the Vice-President of the Federal Government Nikola Sainovic.

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26 October 1998

ORIGINAL: ENGLISH

LETTER DATED 26 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF POLAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to draw your attention to the text of Decision No. 263 concerning the establishment of the Kosovo Verification Mission, adopted by the Permanent Council of the Organization for Security and Cooperation in Europe on 25 October 1998 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Eugeniusz WYZNER
Ambassador
Permanent Representative

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Annex

Decision No. 263 adopted by the Permanent Council of the Organization for Security and Cooperation in Europe on 15 October 1998

The Permanent Council,

Acting in accordance with its Decision No. 259 (PC.DEC/259) and the agreement signed by the Chairman-in-Office (CiO) of the OSCE and the Foreign Minister of the FRY (CIO.GAL/65/98),

Noting the United Nations Security Council resolution No. 1203,

Decides:

1. To establish the Kosovo Verification Mission (KVM) in accordance with the mandate contained in the agreement signed by the CiO (CIO.GAL/65/98);

2. To authorize immediate start-up deployment of the KVM;

3. To establish the KVM for one year, with extensions upon the request of either the OSCE Chairman-in-Office or the FRY Government;

4. To request hereby OSCE States to contribute personnel and funding for the KVM in accordance with established procedures;

5. To task the Secretary-General, taking account of offers of voluntary contributions, to establish urgently the budget for the KVM for the approval of the Council.

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S/1998/995
26 October 1998

ORIGINAL: ENGLISH

LETTER DATED 26 OCTOBER 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

During the informal consultations held by the Security Council on 13 October, I reported to the Council that a group of international experts would meet in New York on 22 and 23 October, to consider the findings from analyses, conducted in three laboratories, of special missile warhead remnants excavated in Iraq. The purpose of the laboratory analyses was to seek to establish the substances with which those special missile warheads had been filled. As Council members were aware, one substance at issue was the chemical warfare agent known as VX.

Council members will recall that results from an analysis conducted by a laboratory in the United States of America were given to the Special Commission in June 1998. Those results were passed to the Iraqi authorities during my visit to Baghdad from 11 to 15 June 1998.

When passing those initial results to the Iraqi side, I authorized at the same time that further laboratory analyses be conducted in the laboratory in the United States and then in two other laboratories, one in France, the other in Switzerland.

In July 1998, the Special Commission sent an international expert team to Baghdad to discuss the initial results of the chemical analyses which had been conducted in the laboratory in the United States and which had identified VX degradation products in the samples taken from special warhead remnants. At that time, the international experts judged the results valid, but the Iraqi side stated that it could not accept the results.

On my subsequent visit to Baghdad, on 3 August 1998, I raised again with Iraqi authorities the possibility of further discussions on the question of VX but, in the event, no such discussions took place.

On 1 September 1998, at the request of members of the Council, I wrote to the President of the Council, providing answers to some technical questions which members had posed. One of those questions was that of the discovery of VX degradation products on special warhead remnants.

Following the conclusion of its meeting on the evening of last Friday 23 October, the group of international experts gave me its report, which had been adopted unanimously by the experts.

Attached to the present letter is a copy of that report and its technical annex.

As indicated to the Council on 13 October, in addition to providing the report to members of the Council immediately, I propose to pass it, at the same time, to the Permanent Representative of Iraq for transmission to the authorities in Baghdad.

When passing the report to the Permanent Representative, I would propose to invite his particular attention, and through him that of the authorities in Baghdad, to three key aspects of the report: "all analytical data provided by the three laboratories were again considered conclusive and valid"; "the existence of VX degradation products conflicts with Iraq's declarations that the unilaterally destroyed special warheads had never been filled with chemical warfare agents"; and, the recommendations of the group of experts that the Special Commission invite Iraq "to explain first the origin and history of the fragments analysed by all three laboratories and then the presence of degradation products of nerve agents" and "to explain the presence of a compound known as VX stabilizer and its degradation product, and to provide more information on the Iraqi efforts during the period from mid-1988 to the end of 1990 to develop and produce VX by improved synthetic routes".

I might also mention that, consistent with the letter addressed to me by the President of the Security Council on 18 August 1998 (S/1998/769), to which I referred in my letter of 19 August addressed to the Deputy Prime Minister of Iraq, and with the terms of Security Council resolution 1194 (1998), which, inter alia, calls upon Iraq to resume dialogue with the Special Commission immediately, I will be asking the Permanent Representative of Iraq to express to the authorities in Baghdad the willingness of the Special Commission to resume work at the earliest possible moment with competent Iraqi authorities in order to address the questions posed by the report of the experts.

(Signed) Richard BUTLER

Annex

Report of the Group of International Experts on VX

On 22 and 23 October 1998, the United Nations Special Commission held, in New York, a meeting of international experts on the issue of VX. It was the third meeting in that area of discussions related to the evaluation of analytical results generated by the laboratories on samples taken from special missile warhead remnants. Twenty-one experts from seven countries (China, France, Russian Federation, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America), and experts from the Special Commission, participated in the meeting.

The purpose of the meeting was to discuss all analytical results obtained in the course of the Commission's verification of Iraq's declarations related to the VX activities, and to assess how those results verify Iraq's declarations. Another purpose was to provide the Chairman of the Special Commission with recommendations concerning further steps to be taken in the attempts to finalize the verification process.

All participating experts were requested to provide their opinions on the above-mentioned issues.

The meeting began with the presentation made by the Commission's experts on the sequence and results of all VX-related sampling missions conducted by the Commission (see appendix).

The first samples were taken with respect to VX in April 1997, after Iraq declared the VX production facility and the dump site where bulk VX was disposed of. Those samples were analysed in the United States laboratory. VX degradation products were found on the equipment pointed out by Iraq and in the soil from the dump site. In addition to those chemicals, compounds known as VX stabilizer and its degradation product were identified in some of the samples from the dump site. Those results allowed the Commission to make further progress in their verification of Iraq's declarations. At that stage, Iraq accepted the results as proof of its claims on the production site and on the unilateral disposal of VX. According to the recommendations of the international expert team to the technical evaluation meeting in February 1998, the United States laboratory performed further analyses of samples from the same site. Their results confirmed the previous findings and provided more data for the evaluation of Iraq's declarations. In April/May 1998, the Commission undertook to verify Iraq's declarations on the filling of 45 special missile warheads through the analysis of samples taken from their remnants. Those warheads had been destroyed unilaterally by Iraq through demolition and buried in the desert. Of those 45 warheads, according to Iraq, 25 had been filled with biological warfare agents and 20 with a mixture of alcohols (isopropanol and cyclohexanol). The purpose of chemical analysis was to verify Iraq's statement on the 20 special warheads filled with alcohols. The same United States laboratory found VX degradation products in some of the samples from 46 fragments of the 45 special warheads. The chemicals found on the missile

warhead remnants were similar to those found at the VX dump site declared by Iraq. The laboratory reported those results to the Commission in June 1998.

In July 1998, the Commission requested that the United States laboratory analyse another set of samples taken from some 43 different remnants of the same 20 warheads. No chemical-warfare-related chemicals were found. However, chemicals known as degradation products of a decontamination compound were identified in five samples. Signatures of unidentified non-phosphorous compounds were found in many samples.

Before those results were known, the Commission requested the French and Swiss laboratories to analyse samples from 40 other fragments of the same 20 special warheads, the majority of which were not sampled during the first and second rounds of analysis conducted by the United States laboratory.

The French laboratory reported the presence of a degradation product of nerve agent (G- or V- agent) in one sample. (The French experts noted that the product could also originate from other compounds, such as detergents. The United States experts said that they were not aware of any of such compounds in connection with any commercial product.)

The Swiss laboratory did not find any chemical-warfare-related chemicals. However, both the Swiss and French laboratories found the chemicals known to be degradation products of a decontamination compound, as well as a large number of samples containing the same unidentified non-phosphorous compounds, which had been detected in the second set of samples analysed by the United States laboratory. (The French experts noted that the decontaminant could also have been used for the purpose of chemical destruction of biological warfare agents. The Commission and other experts emphasized that, according to Iraq's declarations, sampled missile fragments had been excavated from the burial site of chemical warheads, and that only potassium permanganate or a mixture of potassium permanganate and formaldehyde had been used for biological decontamination. In addition, such a view would have serious implications for the accounting of the biological special warheads.) Those chemicals had not been detected on the first set of samples of missile fragments analysed by the United States laboratory.

During the meeting, all analytical data provided by the three laboratories were again considered conclusive and valid. The difference in the results between the first set of samples taken by the United States laboratory in April and subsequent samples taken by the United States, Swiss and French laboratories in June/July was discussed by the experts. In particular, the presence of certain non-chemical-warfare-related compounds in a significant amount of the June/July samples, which are completely absent from the April set of samples, has no obvious explanation. In the course of the meeting, the chemists from all three laboratories gave more details on the performed chemical analyses.

Experts from the United States laboratory reported that they had re-evaluated all activities carried out in the laboratory in the course of chemical analyses in order to confirm that no cross-contamination or other mistakes had occurred.

Experts from the French laboratory reported that, as a result of their investigation of two samples which had been previously reported as containing ethyl- and methyl-phosphonic compounds, the presence of those compounds could not be confirmed.

Experts from the Swiss laboratory gave more details on technical aspects of their chemical analysis.

Over the past six months, a large number of chemical analyses have been carried out in three separate establishments. The results of that work has enabled the Commission to collect more data and to move forward in the investigation. The Commission appreciates the support of the relevant Governments and acknowledges the high standard of technical support provided.

The existence of VX degradation products conflicts with Iraq's declarations that the unilaterally destroyed special warheads had never been filled with any chemical warfare agents. The findings by all three laboratories of chemicals known to be degradation products of decontamination compounds also do not support Iraq's declarations that those warhead containers had only been in contact with alcohols.

As a result of the evaluation of analytical data, reported to the Special Commission by three laboratories, it is recommended that the Special Commission invite Iraq to explain first the origin and history of the fragments analysed by all three laboratories and then the presence of degradation products of nerve agents. It was also emphasized that Iraq would be invited to explain the presence of a compound known as VX stabilizer and its degradation product, and to provide more information on the Iraqi efforts during the period from mid-1998 to the end of 1990 to develop and produce VX by improved synthetic routes.

The present report was adopted by experts involved in the meeting on 23 October 1998.

New York, 23 October 1998, 1830 hours

ENCLOSURE TO THE REPORT
UNSCOM
October 1998

CHEMICAL ANALYSIS CARRIED OUT IN THE COURSE OF VERIFICATION OF IRAQ'S DECLARATIONS ON CHEMICAL WARFARE AGENT VX

- SAMPLING POLICY
- SEQUENCE OF EVENTS
- ANALYTICAL RESULTS REPORTED BY THE LABORATORIES OF SUPPORTING GOVERNMENTS
- EVALUATION OF ANALYTICAL RESULTS

I. SAMPLING OF PRODUCTION EQUIPMENT AND DISPOSAL SITE
II. SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS

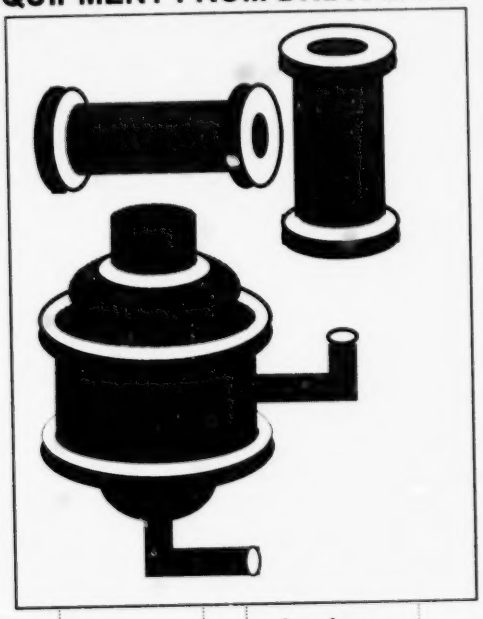
SAMPLING AT THE MUTHANNA STATE ESTABLISHMENT

IN 1996, IRAQ DECLARED THAT IT MADE SEVERAL ATTEMPTS TO PRODUCE VX AT THE DHIA PLANT LOCATED AT THE MUTHANNA STAE ESTABLISHMENT (MSE).

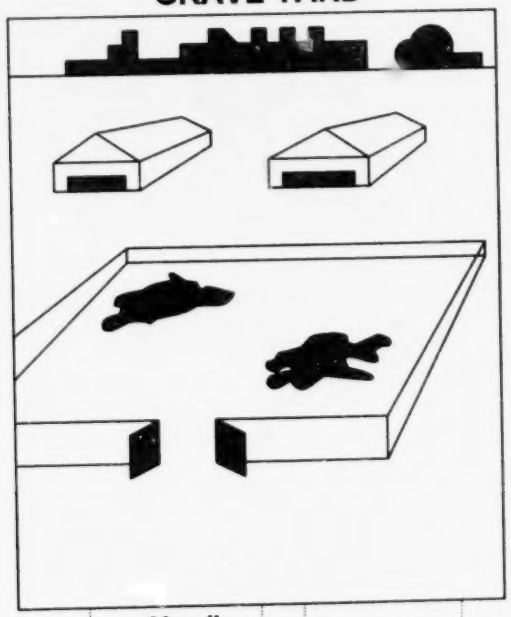
ACCORDING TO IRAQ, 3.9 TONNES OF VX WERE PRODUCED. THOSE WERE DUMPED AT THE" GRAVE YARD" OF MSE.

THE COMMISSION UNDERTOOK TO VERIFY THESE CLAIMS BY SAMPLING SOME REMAINING PIECES OF EQUIPMENT FROM THE DHIA PLANT AND THROUGH THE ANALYSIS OF SOIL FROM THE GRAVE YARD.

EQUIPMENT FROM DHIA PLANT



GRAVE YARD



6 swipes

6 swipes

FEBRUARY 1998

20 soil samples

12 soil samples

APRIL 1997

APRIL 1997

US CHEM LAB

1997

#1872 - EMPA
#1876 - MPA

1998

#4810 - MPA, DMMP
#4804 - EMPA, MPA
#4816 - MPA, MMPA
#4817 - EMPA, MPA
#4822 - MPA, MMPA
#4823 - EMPA, MPA

1998

#4805 - MPA
#4820 - MPA
#4780 - MPA
##4784, 4786, 4788, 4790, 4792, 4728, 4730 - MPA

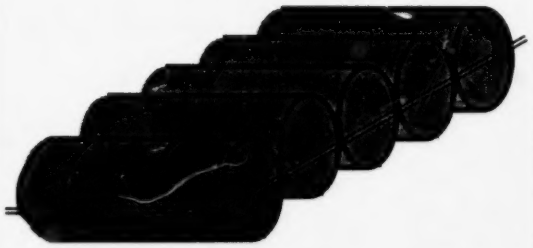
1997

3797- EMPA, DCHCDI
#3796 - MPA
#3798 - MPA,RSSR, RSR,RSSSR

/...

SPECIAL MISSILE WARHEADS

75 WARHEADS IN TOTAL



ACCORDING TO IRAQ'S DECLARATIONS, 75 SPECIAL WARHEADS WERE PRODUCED IN TOTAL. OF THESE, 25 WARHEADS WERE BIOLOGICAL AND 50 WARHEADS WERE CHEMICAL.

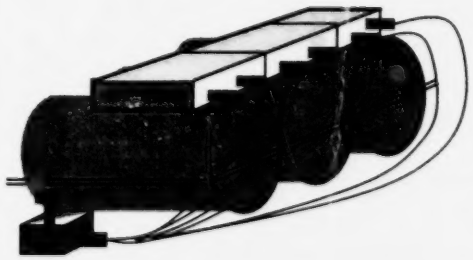
OF 50 CHEMICAL WARHEADS, 16 WARHEADS WERE FILLED WITH GB/GF MIXTURE(SARIN/CYCLOSARIN) AND 34 WARHEADS WERE FILLED WITH THE MIXTURE OF ALCOHOLS (ISOPROPANOL/CYCLOHEXANOL)

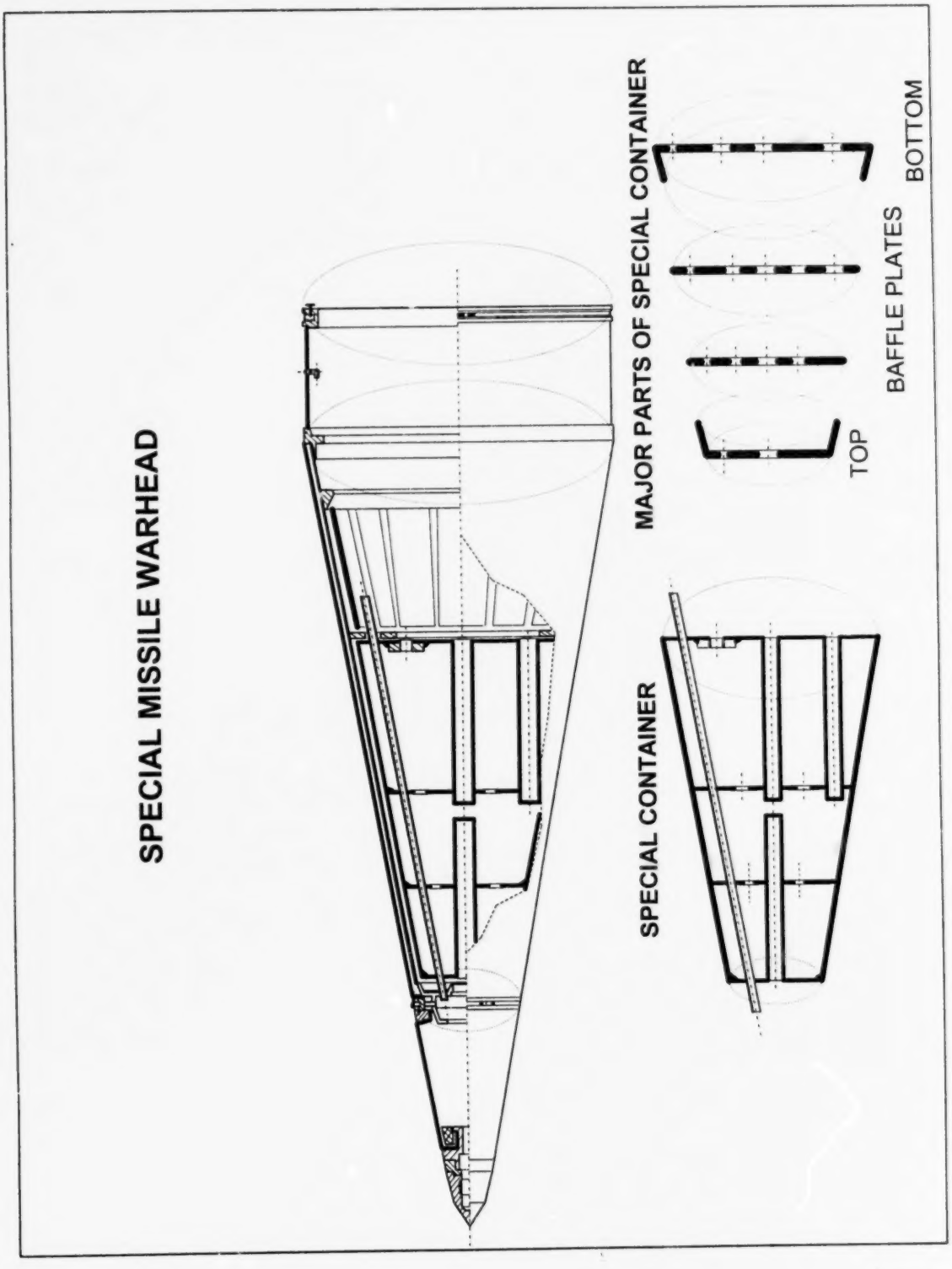
30 CHEMICAL WARHEADS WERE DESTROYED UNDER UNSCOM SUPERVISION, INCLUDING 16 WARHEADS FILLED WITH GB/GF AND 14 WARHEADS FILLED WITH ALCOHOLS

45 WARHEADS WERE DESTROYED BY IRAQ UNILATERALLY BY DEMOLITION, INCLUDING 25 BIOLOGICAL WARHEADS AND 20 CHEMICAL WARHEADS FILLED WITH ALCOHOLS

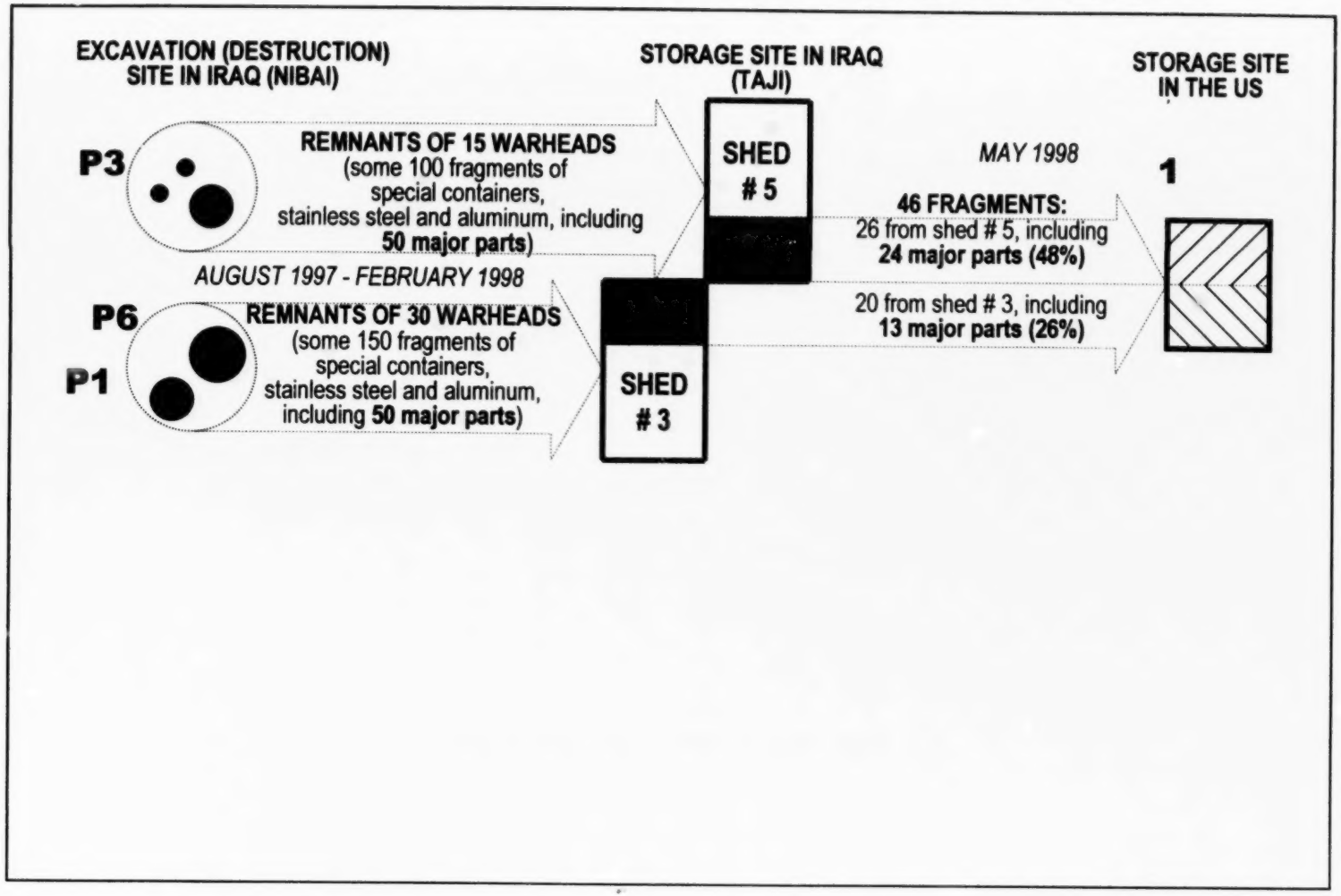
30 WARHEADS DESTROYED UNDER UNSCOM SUPERVISION

45 WARHEADS DESTROYED UNILATERALLY BY IRAQ

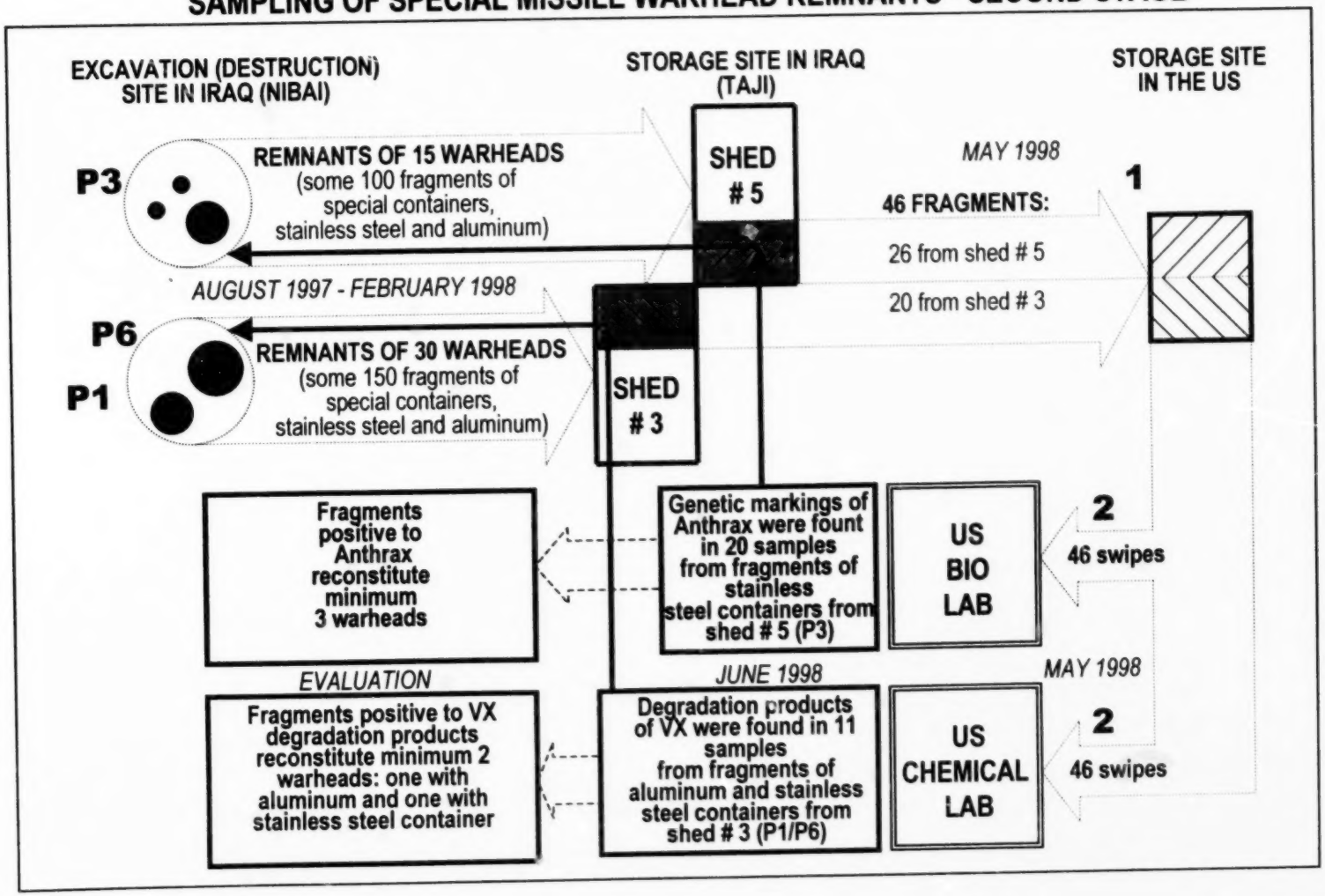



SPECIAL MISSILE WARHEAD
MAJOR PARTS OF SPECIAL CONTAINER
TOP
BAFFLE PLATES
BOTTOM
SPECIAL CONTAINER

SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS - FIRST STAGE

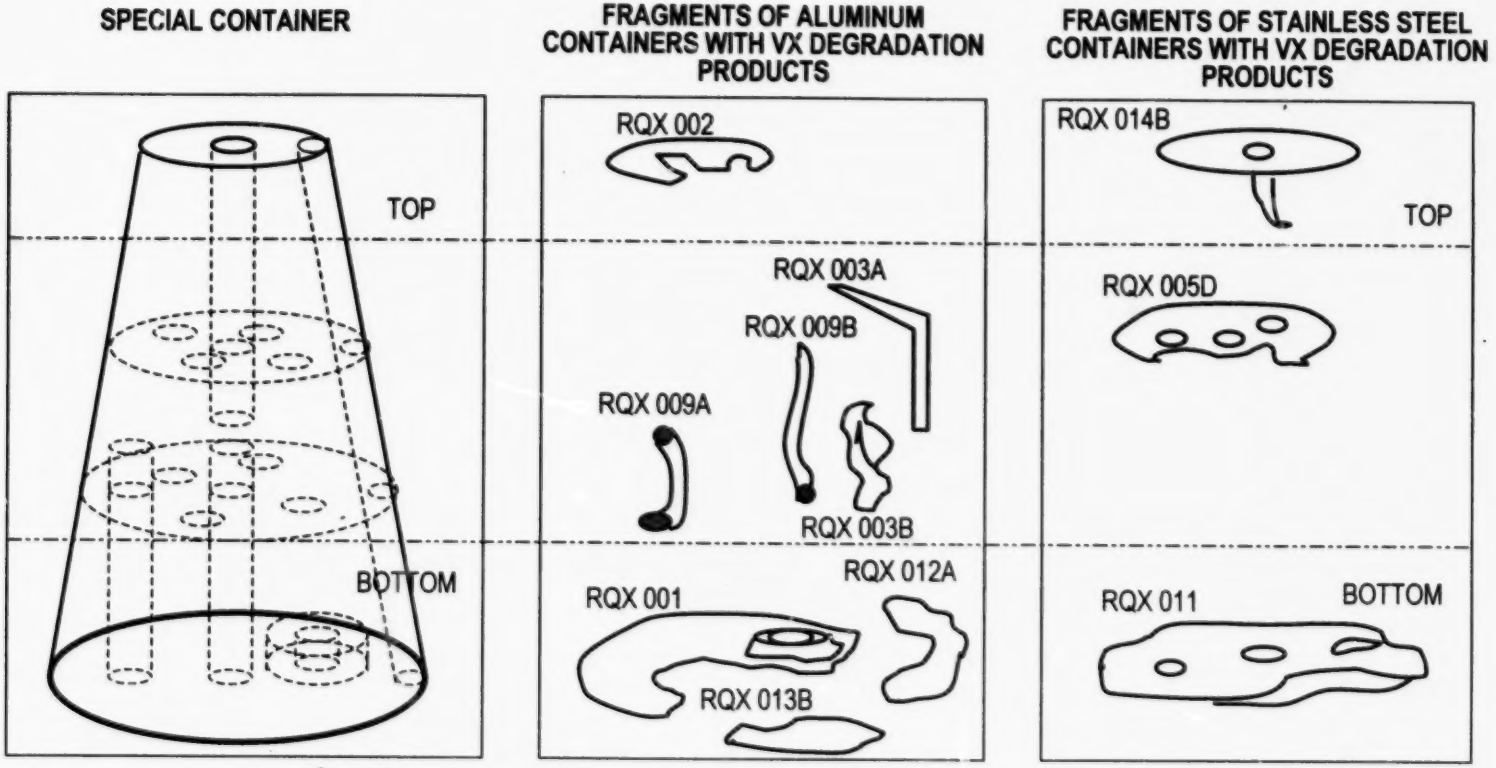

EXCAVATION (DESTRUCTION) SITE IN IRAQ (NIBAI)
STORAGE SITE IN IRAQ (TAJI)
STORAGE SITE IN THE US
P3
REMNANTS OF 15 WARHEADS
(some 100 fragments of special containers, stainless steel and aluminum, including 50 major parts)
AUGUST 1997 - FEBRUARY 1998
P6
P1
REMNANTS OF 30 WARHEADS
(some 150 fragments of special containers, stainless steel and aluminum, including 50 major parts)
SHED # 5
SHED # 3
MAY 1998
46 FRAGMENTS:
26 from shed # 5, including 24 major parts (48%)
20 from shed # 3, including 13 major parts (26%)
1

SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS - SECOND STAGE


EXCAVATION (DESTRUCTION) SITE IN IRAQ (NIBAI)
STORAGE SITE IN IRAQ (TAJI)
STORAGE SITE IN THE US
P3
REMNANTS OF 15 WARHEADS (some 100 fragments of special containers, stainless steel and aluminum)
SHED # 5
MAY 1998
46 FRAGMENTS:
26 from shed # 5
20 from shed # 3
1
AUGUST 1997 - FEBRUARY 1998
P6
P1
REMNANTS OF 30 WARHEADS (some 150 fragments of special containers, stainless steel and aluminum)
SHED # 3
Fragments positive to Anthrax reconstitute minimum 3 warheads
Genetic markings of Anthrax were fount in 20 samples from fragments of stainless steel containers from shed # 5 (P3)
US BIO LAB
2
46 swipes
EVALUATION
JUNE 1998
MAY 1998
Fragments positive to VX degradation products reconstitute minimum 2 warheads: one with aluminum and one with stainless steel container
Degradation products of VX were found in 11 samples from fragments of aluminum and stainless steel containers from shed # 3 (P1/P6)
US CHEMICAL LAB
2
46 swipes

/....

EVALUATION OF THE ANALYTICAL RESULTS OF THE US LABORATORY

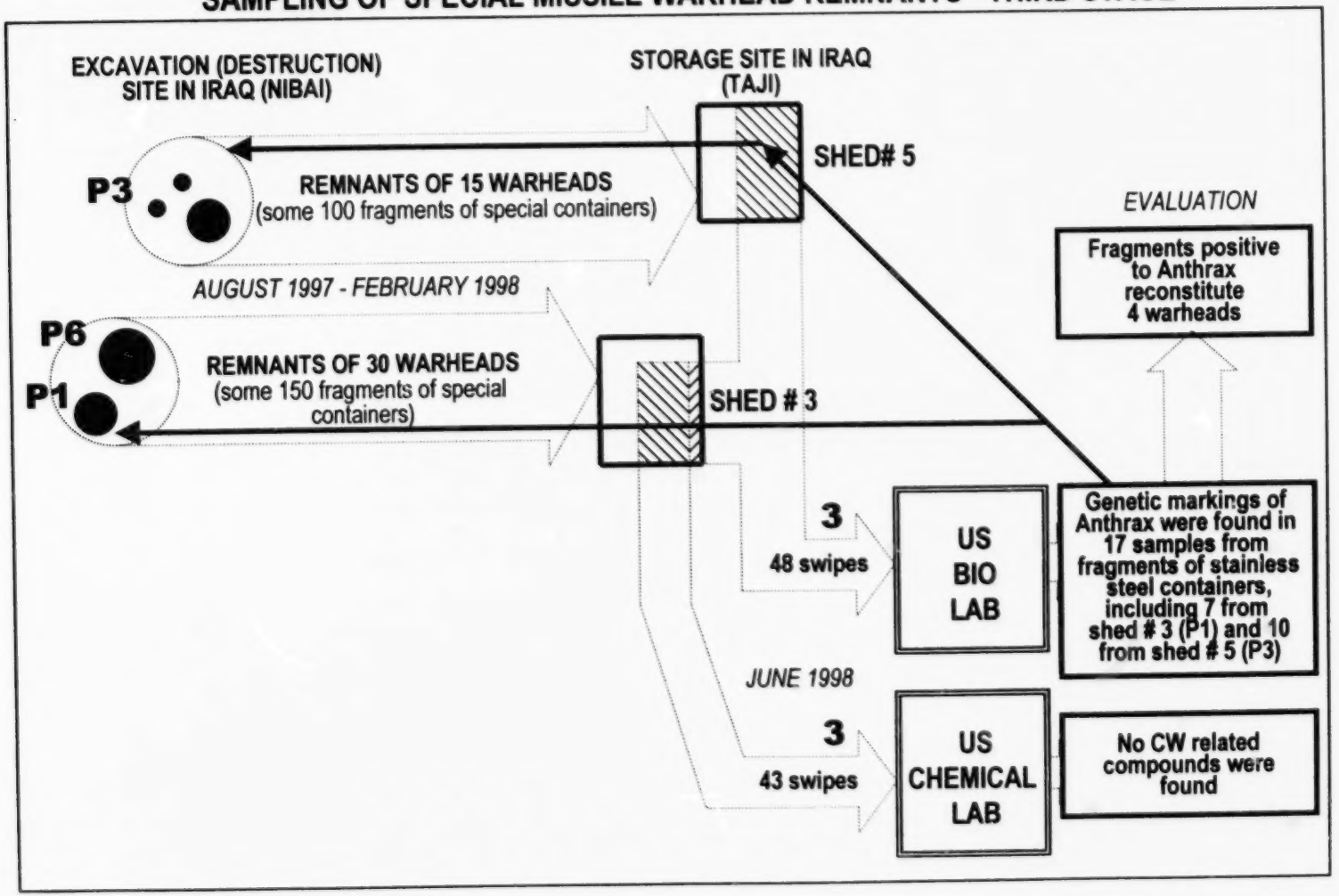


SAMPLE NUMBER / CHEMICALS FOUND

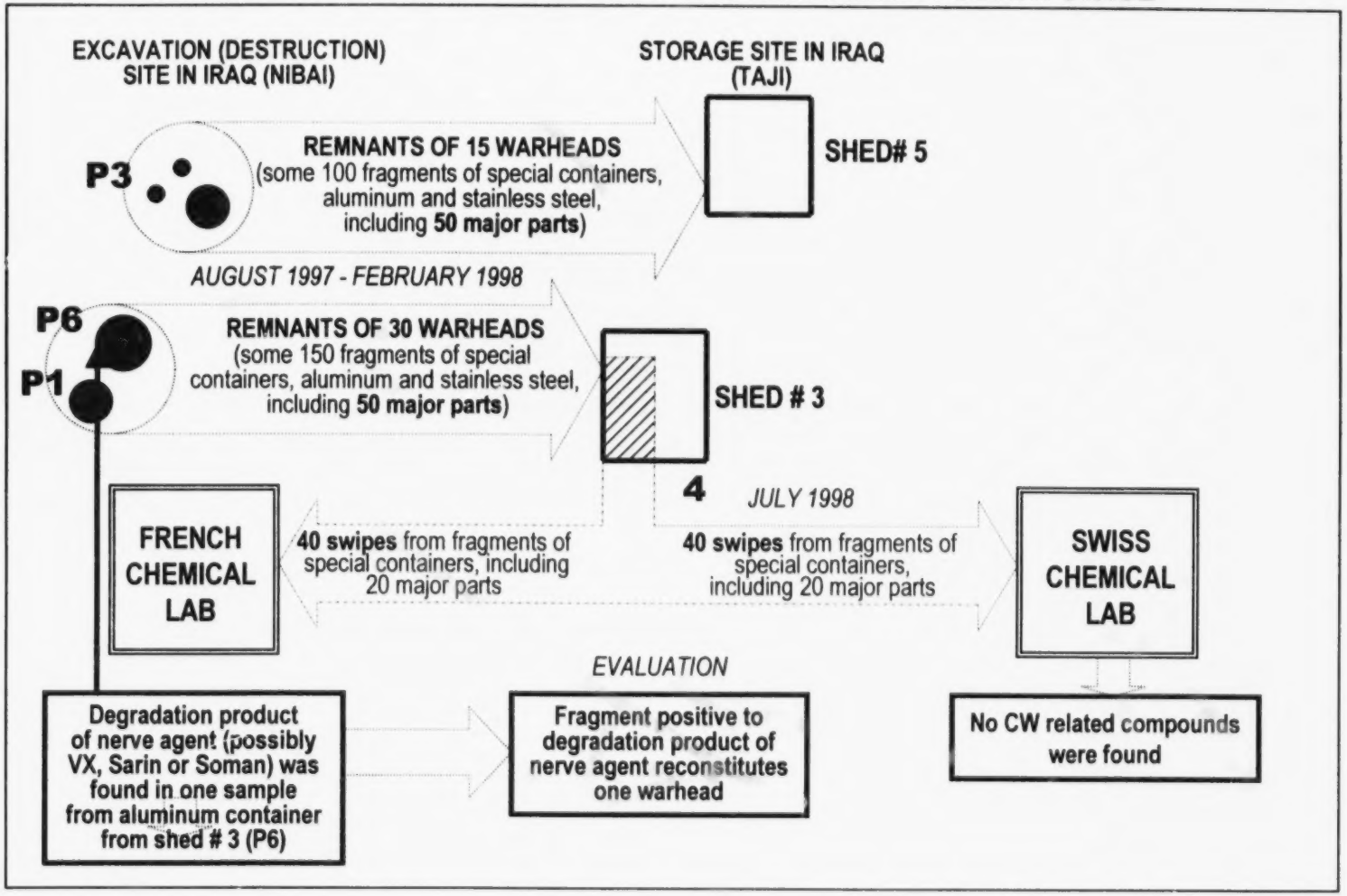
RQX 001.....EMPA, RSSR, RSR, DCHDCI, DCHU
RQX 002.....EMPA, RSSR, RSR, RSSSR, DCHCDI, DCHU
RQX 003A.....EMPA, MPA, RSSR, RSR, RSSSR, DCHCDI, DCHU
RQX 003B.....EMPA, RSSR, RSR, DCHCDI, DCHU
RQX 009A.....RSSR
RQX 009B.....RSSR, RSR, DCHCDI, DCHU
RQX 012A.....RSSR, DCHCDI, DCHU
RQX 013B.....EMPA, RSSR

RQX 005D.....EMPA, MPA
RQX 011.....EMPA, RSSR, DCHCDI
RQX 014B.....MPA

SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS - THIRD STAGE

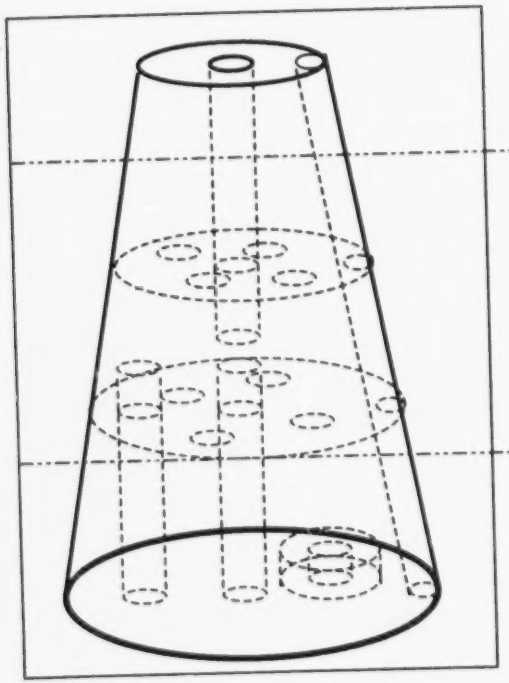

EXCAVATION (DESTRUCTION) SITE IN IRAQ (NIBAI)
STORAGE SITE IN IRAQ (TAJI)
P3
REMNANTS OF 15 WARHEADS
(some 100 fragments of special containers)
SHED# 5
EVALUATION
Fragments positive to Anthrax reconstitute 4 warheads
AUGUST 1997 - FEBRUARY 1998
P6
P1
REMNANTS OF 30 WARHEADS
(some 150 fragments of special containers)
SHED # 3
3
48 swipes
US BIO LAB
Genetic markings of Anthrax were found in 17 samples from fragments of stainless steel containers, including 7 from shed # 3 (P1) and 10 from shed # 5 (P3)
JUNE 1998
3
43 swipes
US CHEMICAL LAB
No CW related compounds were found

SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS - FOURTH STAGE

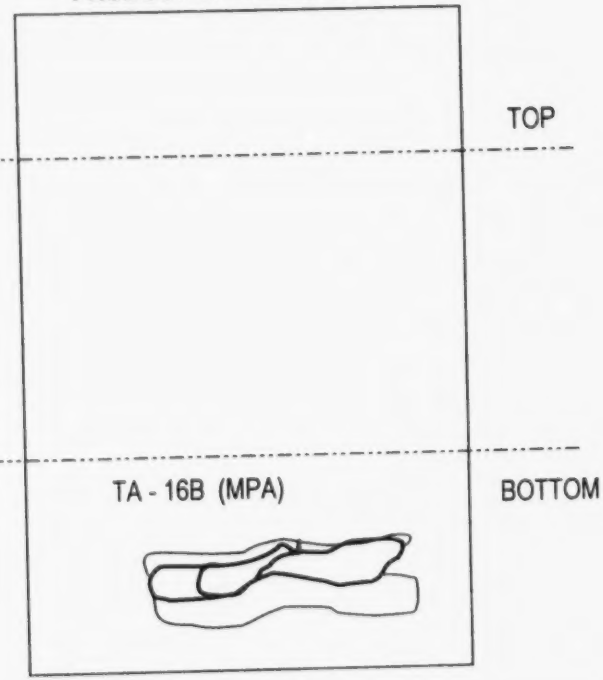

EXCAVATION (DESTRUCTION) SITE IN IRAQ (NIBAI)
STORAGE SITE IN IRAQ (TAJI)
P3
REMNANTS OF 15 WARHEADS (some 100 fragments of special containers, aluminum and stainless steel, including 50 major parts)
SHED# 5
AUGUST 1997 - FEBRUARY 1998
P6
P1
REMNANTS OF 30 WARHEADS (some 150 fragments of special containers, aluminum and stainless steel, including 50 major parts)
SHED # 3
4
JULY 1998
FRENCH CHEMICAL LAB
40 swipes from fragments of special containers, including 20 major parts
40 swipes from fragments of special containers, including 20 major parts
SWISS CHEMICAL LAB
EVALUATION
Degradation product of nerve agent (possibly VX, Sarin or Soman) was found in one sample from aluminum container from shed # 3 (P6)
Fragment positive to degradation product of nerve agent reconstitutes one warhead
No CW related compounds were found

EVALUATION OF THE ANALYTICAL RESULTS OF THE FRENCH LABORATORY

SPECIAL CONTAINER



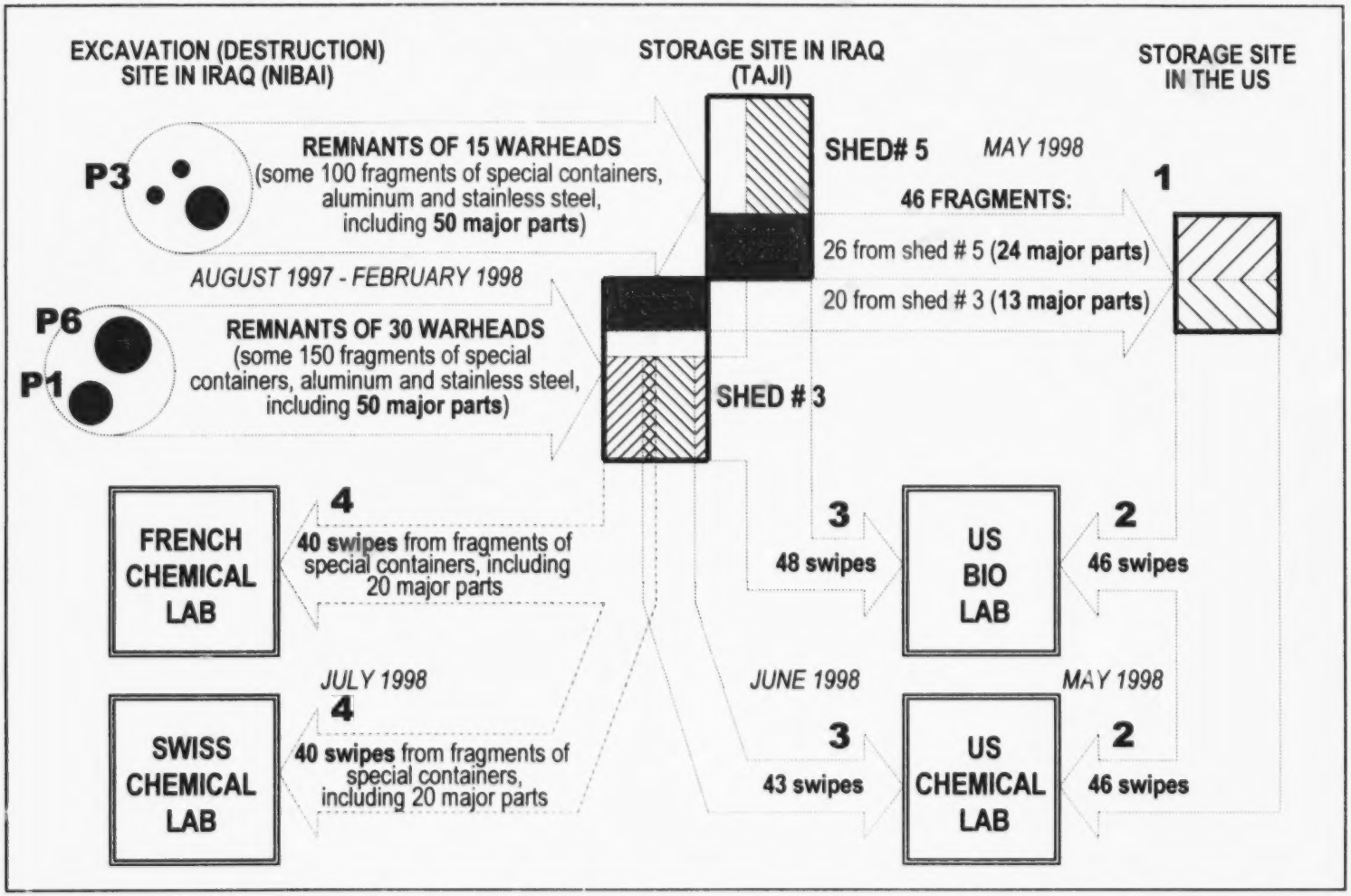
FRAGMENT OF ALUMINUM CONTAINER WITH DEGRADATION PRODUCT OF NERVE AGENT



IN THE SAMPLE # TA - 16B THE FRENCH LABORATORY DETECTED MPA (METHYLPHOSPHONIC ACID)

/...

SAMPLING OF SPECIAL MISSILE WARHEAD REMNANTS - SEQUENCE OF EVENTS



UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/996
26 October 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 23 October 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, calling attention to the fact that the processing of contracts for spare parts for the oil sector is being obstructed by the representatives of the United States and the United Kingdom and requesting that the holds placed on pending contracts be lifted in keeping with the provisions of resolution 1175 (1998).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 23 October 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I refer to your letter dated 15 April 1998 addressed to the President of the Security Council (S/1998/330 and Corr.1, annex), in which you informed the Council that the group of experts established pursuant to paragraph 12 of resolution 1153 (1998) had concluded that under existing circumstances Iraq was unable to export petroleum or petroleum products sufficient to produce the total sum of $5.256 billion referred to in resolution 1153 (1998).

In the same letter, you recommended that the Security Council should permit Iraq to import spare parts and equipment valued at $300 million in accordance with the lists to be prepared by the Iraqi authorities concerned in cooperation with the group of experts and to be incorporated in the categorized list annexed to the procurement and distribution plan for phase IV that was subsequently approved by you on 29 May 1998. On that basis, the Security Council endorsed your recommendation in its resolution 1175 (1998) of 19 June 1998.

More than four months have passed since resolution 1175 (1998) was adopted and not one single spare part has yet reached Iraq. During the same time, the Iraqi Ministry of Oil has made exceptional efforts and has concluded more than 450 relevant contracts, of which 197 had been registered with the secretariat of the Security Council Committee established by resolution 661 (1990) as of 19 October 1998. The Committee has approved only 55 of these contracts, and the representatives of the United States and the United Kingdom have placed 61 contracts on hold on flimsy and tendentious pretexts with the goal of obstructing the delivery of the spare parts and equipment necessary for the repair and maintenance of oil-related infrastructure. This will inevitably mean that Iraq will be unable to export sufficient petroleum to meet requirements for the humanitarian supplies for which provision is made in the enhanced procurement and distribution plan for phase IV. We should like to refer in this connection to paragraph 2 of your report of 1 September 1998 pursuant to paragraph 10 of resolution 1153 (1998) (S/1998/823), in which you inform the Security Council that:

> "... should the current average price of $10.50 per barrel for Iraqi crude oil remain unchanged, ... revenues in the amount of only $3 billion could be achieved during a 180-day period [the duration of phase IV], starting in June 1998, provided the spare parts required were ordered immediately."

On 19 August 1998, we addressed identical letters to the President of the Security Council (S/1998/782, annex) and to Mr. António Monteiro, Chairman of the 661 Committee, describing the irresponsible practices of the representatives of the United States and the United Kingdom in placing on hold contracts for the purchase of spare parts and equipment urgently needed for the repair and maintenance of infrastructure for the production, processing and transportation of Iraqi petroleum. This had already reduced Iraq's anticipated revenues for the enhanced phase IV and consequently impeded the delivery of humanitarian goods and supplies for which purchase contracts had already been concluded. It

thus becomes impossible to implement the enhanced procurement and distribution plan in full, and this is incompatible with the provisions of resolution 986 (1995) and the recommendations of the Secretary-General that were endorsed by the Security Council in its resolution 1153 (1998) and had the objective of alleviating the humanitarian situation of the Iraqi people.

The conduct of the representative of the United States of America in the 661 Committee is part and parcel of the practices in which the United States Government engages against Iraq and which are congruent with the whole series of measures being taken by that Government for the purpose of undermining security and stability and intervening in the internal affairs of Iraq, a founding Member of the United Nations. We recently gave particulars of such measures to the Security Council in our letter dated 19 October 1998 (S/1998/965, annex).

While it appreciates the efforts you are making to demonstrate the true state of the oil-related infrastructure to the Security Council and to urge the 661 Committee to respond positively to the pressing demands for its repair and maintenance, as most recently embodied in the letter dated 1 October 1998 from the Executive Director of the Iraq Programme addressed to the Chairman of the 661 Committee, the Government of Iraq seeks your personal intervention with the 661 Committee and with the Governments of the United States and the United Kingdom in order to urge the expeditious processing of contracts for the purchase of oil-related spare parts and equipment and the immediate lifting of the holds placed on pending contracts, in keeping with the provisions of resolution 1175 (1998) that were approved by these two countries as well as by the other members of the Security Council.

As I await whatever measures you may take, I request you to have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/997
26 October 1998
ENGLISH
ORIGINAL: ENGLISH/FRENCH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1198 (1998) of 18 September 1998, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 1998. The Council also requested me to report to it on the progress of the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III). The present report covers developments since my previous report to the Council, dated 11 September 1998 (S/1998/849).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Consultations and measures intended to overcome current obstacles

2. Over the reporting period, not having received from either party any specific proposal to reconcile their viewpoints on the much debated issue of tribal groupings H41, H61 and J51/52, my Special Representative, Mr. Charles F. Dunbar, continued to seek ways of breaking the deadlock. My Personal Envoy also pursued his contacts with the parties to this end.

3. In this context, on the occasion of a visit on 23 September to Laayoune, the Moroccan Minister of the Interior, Mr. Driss Basri, informed my Special Representative of the firm intention of his Government to move ahead as quickly as possible towards a referendum. In particular, the Minister reaffirmed Morocco's commitment to facilitate the return of Saharan refugees and to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) in that regard. Likewise, in consultations held at Headquarters in September, the Frente POLISARIO reiterated the fundamental importance which it attaches to the referendum process as set out in the Settlement Plan and the Houston agreements.

4. Further to these consultations and to his own contacts with the parties, I accepted my Special Envoy's recommendation to resume without delay identification of those applicants from tribal groupings H41, H61 and J51/52 who wish to present themselves individually, and at the same time to begin the appeals process, as the best means of moving forward in the implementation of the Settlement Plan. I therefore asked the Under-Secretary-General for Peacekeeping Operations, Mr. Bernard Miyet, my Special Representative and the Chairman of the Identification Commission, Mr. Robin Kinloch, to travel to Rabat and Tindouf to submit to the parties a set of measures intended to overcome current obstacles, so as to make decisive progress in the organization of the referendum provided for under the Settlement Plan. During its mission, from 17 to 24 October, the United Nations delegation submitted various documents to the Moroccan Government and to the Frente POLISARIO containing, inter alia, protocols on the identification of those applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually and on the appeals process, a memorandum on UNHCR activities, and an outline of the next stages of the Settlement Plan. A protocol on the repatriation of refugees will be submitted to the two parties, and to the Algerian and Mauritanian authorities, in the next few days. The United Nations delegation also travelled to Algiers and Nouakchott to seek the views of the Algerian and Moroccan authorities and to obtain their support.

5. As proposed to the parties, their final agreement to the above protocols would need to be obtained by mid-November 1998, so that UNHCR can proceed immediately to prepare to receive refugees in the Territory and so that identification of those applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually, as well as the appeals process, can begin on 1 December 1998, the date scheduled for publication of the provisional list of voters other than those in the three groupings. In accordance with the outline of the next stages of the Settlement Plan, the appeals process for applicants from tribes other than these three groupings could conclude in March 1999, and identification of applicants from these three groupings could be concluded in April 1999. The identification and appeals processes thus envisaged would require the gradual addition of seven further members to the Identification Commission, as indicated in paragraph 19 below. Accordingly, and from the viewpoint of beginning the transition period in June-July 1999, if the referendum is to be held in December 1999 it will be important to undertake full deployment by MINURSO effective 1 January 1999.

B. Military aspects

6. As at 22 October 1998, the strength of the military component of MINURSO stood at 442 observers and other military personnel (see annex). Under the command of Major General Bernd S. Lubenik (Austria), the MINURSO military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO Forces, which came into effect on 6 September 1991. The Moroccan armed forces continued to abide by the provisions of the military agreement between MINURSO and Morocco of 23 July 1998, and to provide recovery, transportation and logistical support to the Mission's formed military units when needed, and also exchanged with them information on mines and unexploded

ordnance. The MINURSO area of responsibility remains calm, and there has been no indication that either side intends to resume hostilities.

7. During the reporting period, the MINURSO mine-clearance unit from Sweden completed the demining of those areas needed for the future deployment of civilian and military personnel. The unit was repatriated on 20 October, with the exception of one Swedish staff officer who will remain with the Mission until 21 November 1998, to assist in the operation of the MINURSO mine action centre. As indicated in my previous report (S/1998/849), arrangements will have to be made in due course to complete the demining tasks related to the repatriation programme.

8. With its construction work for logistical and accommodation purposes nearly completed at Dakhla, the engineering support unit from Pakistan is now focusing its efforts on the establishment of the forward logistical base at Awsard and on the refurbishment of subsector commands east of the defensive sand wall (berm). The unit's operational capabilities remain constrained, however, as its communication equipment has yet to be released by the Moroccan authorities from Laayoune airport, despite the earlier assurances from the Minister of the Interior that the matter would be resolved. The requirement to maintain the engineering support unit at its current strength is being reviewed and adjustments may be made once the unit has completed its current tasks.

9. During the reporting period, the Secretariat submitted to Algeria and Mauritania copies of the final version of the status-of-forces agreement on MINURSO, with a view to having the agreement signed as soon as possible. The Secretariat also replied to the observations made by the Moroccan authorities on the draft agreement, and is now awaiting their response.

C. Civilian police aspects

10. The current strength of the civilian police component of MINURSO stands at 81 police officers, including the Police Commissioner, Chief Superintendent Peter Miller (Canada). The component has completed the greater part of its mandate of assisting the Identification Commission, and continues to work with UNHCR in the planning process for the repatriation of refugees.

D. Preparatory work for the repatriation of Saharan refugees

11. The Office of the United Nations High Commissioner for Refugees, in close consultation and coordination with my Special Representative and various components of MINURSO, continued its preparatory work for the repatriation operation in the two asylum countries, Algeria and Mauritania, and in the Territory of Western Sahara, east of the berm. The third and final road reconnaissance in the Agwanit area of the Territory, east of the berm, was completed and the information on the repatriation routes and sites was provided to MINURSO for demining purposes. Further studies were conducted by UNHCR and its implementing partners in the Agwanit and Tifariti areas, using satellite imagery, in order to finalize proposals for a water development project.

12. Following the visit of the Moroccan Minister of the Interior to Laayoune in September 1998 and the assurances he gave to my Special Representative that UNHCR would be able to undertake its preparatory work, UNHCR informed the Moroccan authorities of its readiness to deploy a mission to Morocco and the Territory, west of the berm, to commence its activities, including confidence-building, infrastructure development and road reconnaissance, with a view to completing its preparatory work and planning as indicated in my previous reports. At the request of the Moroccan authorities, this mission is on standby for deployment, pending their confirmation that Moroccan technical counterparts have been appointed to undertake a joint mission to the Territory.

13. The Office of the United Nations High Commissioner for Refugees had prepared to resume the pre-registration exercise in the Tindouf camps in Algeria on 3 October 1998 and, accordingly, to hold early discussions with the refugees, the camp leaders, the sheikhs and the notables. The pre-registration was not resumed as planned, however, since the camp authorities and the refugees were reluctant to cooperate with UNHCR without instructions from the Frente POLISARIO. In its recent discussions with UNHCR, the Frente POLISARIO sought and received clarification on a number of issues relating to the UNHCR preparatory work before agreeing to the resumption of pre-registration in the camps. UNHCR now expects to resume this important exercise before the end of October.

14. The Office of the United Nations High Commissioner for Refugees has recently designated a senior official to coordinate its preparatory activities in the western part of the Territory. The UNHCR official will arrive in Laayoune once UNHCR can be effectively present in the Territory and its ability to carry out essential preparatory activities is confirmed.

III. FINANCIAL ASPECTS

15. As indicated in paragraph 17 of my previous report (S/1998/849), the General Assembly, by its resolution 52/228 B of 26 June 1998, appropriated an initial amount of $21.6 million gross, equivalent to a monthly rate of $5.4 million gross, for the period from 1 July to 31 October 1998. The General Assembly is scheduled to take action before the end of October 1998 on the appropriation of the additional amount of $37.3 million gross for the operation of MINURSO for the period from 1 July 1998 to 30 June 1999, equivalent to a monthly rate of $4.7 million gross for the period from 1 November 1998 to 30 June 1999. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 22 below, the cost of maintaining the Mission during the extension period would be limited to the monthly rate approved by the General Assembly.

16. As at 23 October 1998, unpaid assessed contributions to the special account for MINURSO for the period since inception of the Mission to 21 September 1998 amounted to $55 million. The total outstanding assessed contributions for all peacekeeping operations as at 23 October 1998 was $1,646.6 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

17. Since the current deadlock is due primarily to the inability of the Moroccan Government and the Frente POLISARIO to reach a compromise on the much debated issue of tribal groupings H41, H61 and J51/52, I have decided to present my own arbitration in order to move ahead on this issue. The proposals that I am making are fully in keeping with the provisions of the Settlement Plan, including paragraph 20 of the Secretary-General's report of 19 April 1991 (S/22464), which stipulates that:

> "The Commission's mandate to update the 1974 census will include (a) removing from the lists the names of persons who have since died and (b) considering applications from persons who claim the right to participate in the referendum on the grounds that they are Western Saharans and were omitted from the 1974 census."

It is, moreover, in this spirit that, in his letters of 28 March 1998 to the two parties, my Special Representative stated that the United Nations was adhering to the principle that any registered applicant from any tribal grouping who meets any of the identification criteria is entitled to have his or her name included in the list of voters.

18. In order to avoid taking an arbitrary decision which might lead to the exclusion of persons who are eligible to vote, having regard to respect for that democratic principle, I see no other alternative than to ask the Identification Commission to proceed now to consider requests from any applicants from the tribal groupings in question who wish to present themselves individually, in order to verify whether they have the right to vote, having regard to the five eligibility criteria accepted by the parties. Naturally, the parties will have to adhere strictly to the conditions under which this review is to be implemented, as provided for in the Houston agreements and specifically in annex I to my report of 24 September 1997 (S/1197/742), which stipulates that: "The parties agree that they will not directly or indirectly sponsor or present for identification anyone" from these tribal groupings, although the parties will not be obligated to actively prevent individuals from such tribal groupings from presenting themselves. Furthermore, in order to avoid any subsequent dispute, members of the Identification Commission will have to continue examining applications with the utmost rigour and impartiality.

19. Embarking on this supplementary identification operation will prolong the Identification Commission's programme of work. Accordingly, it seems to me advisable to launch the phase of the appeals process simultaneously so as not to postpone the referendum too long; this is in keeping with the wishes publicly expressed by the two parties. It will therefore be necessary to publish by 1 December 1998 the provisional list of voters resulting from the work of the Identification Commission on tribes other than tribal groupings H41, H61 and J51/32, so as to begin on that date the appeals process concerning tribes which have already been identified. Since the implementation of such a programme makes it essential to strengthen the Identification Commission, I am proposing to the Security Council that the number of the Commission's members be gradually increased from 18 to 25, and that the necessary support personnel also be increased, so as to keep to the proposed timetable.

20. The holding of the referendum will also depend on the measures taken in anticipation of the return of refugees who have been declared eligible to vote, together with their immediate family members, and the conditions in which that repatriation takes place. To this end, it is important that the Moroccan Government, the Frente POLISARIO and the Algerian and Mauritanian Governments should grant the United Nations, particularly UNHCR, as soon as possible all necessary facilities and guarantees to enable them to prepare for the refugees' return in an optimum manner. In that connection, the presence and establishment of UNHCR in the Territory must be formalized in the very near future. That is a major requirement if we wish to create a real climate of confidence among the refugees and to establish the means and facilities necessary for their future reception in the Territory.

21. The proposals that I am submitting to the Security Council for consideration involve adjusting the timetable presented in annex II to my report of 13 November 1997 (S/1997/882). I would add, however, that strict adherence to the new deadlines indicated in paragraphs 5 and 19 above can be ensured only if the parties cooperate unreservedly in the implementation of the proposed programme and if the Security Council provides MINURSO in good time with the necessary administrative, financial and human resources.

22. Following the contacts established with the parties by my representatives last week, I am pleased to note that the Moroccan Government and the Frente POLISARIO have voiced no objections and have stated their intention to cooperate actively with MINURSO in implementing the proposals that I have presented in this report. Moreover, these proposals have been favourably received by the Algerian and Mauritanian Governments, which have assured me of their full support. In these circumstances and if these intentions are very speedily acted upon, it seems to me that it would be wise to extend the mandate of MINURSO to 30 April 1999, the closing date of the new identification phase. As regards the full deployment of MINURSO, including the deployment of additional military and police personnel, I intend to submit recommendations to the Security Council in December 1998.

23. To this end, it is essential that the renewed commitment of the parties to continue the implementation of the Settlement Plan should be swiftly confirmed in a concrete and decisive manner. With that in mind, the various texts which I have submitted to the Moroccan Government, the Frente POLISARIO and the Algerian and Mauritanian Governments for their consideration will have to be finally accepted within the next few days, including the outstanding draft status-of-forces agreements and the protocols on the identification of applicants from tribal groupings H41, H61 and J51/52 who wish to present themselves, and concerning the appeals process and preparations for the repatriation of refugees and other Saharans. I therefore expect all these documents to be initialled by the time I next travel to the region.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 22 October 1998

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5*
Bangladesh	6	-	-	-	6
Canada	-	-	-	8	8
China	16	-	-	-	16
Egypt	19	-	-	2	21
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	5	6	150	9	170
Poland	3	-	-	-	3
Portugal	4	-	-	10	14
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	1	-	10	11

	Military observers	Staff officers	Troops	Civilian police observers	Total
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	203	7	177	81	468

* In addition to the Force Commander.

Map No. 3691 Rev. 19 UNITED NATIONS
October 1998

Department of Public Information
Cartographic Section

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26 October 1998

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LETTER DATED 26 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you the enclosed statement reproduced from the 24 October edition of Eritrea Profile, an official paper of the Government of Eritrea, regarding Ethiopia's issuance of contradictory maps, raising fundamental questions. This statement responds to the letter addressed to you by the Permanent Representative of Ethiopia to the United Nations and its annex dated 19 October 1998 (S/1998/977).

I would like to draw your attention and the attention of the members of the Security Council to the fact that the unilateral issuance of a new map of the administrative region of Tigray by the Ethiopian Central Mapping Authority in October 1997, which indicated as part of Ethiopia large swaths of Eritrean territory, was a clear measure of aggression, which, along with the use of force to control these usurped chunks of Eritrean territory by the Government of Ethiopia, triggered the eruption of the conflict. Ethiopia's official and clear withdrawal of the Tigray map of 1997 and its clear announcement that it respected the borders between the two countries delineated by clear treaties during the colonial period thus forms a fundamental element of the peaceful settlement of the conflict. The importance attached to this issue needs to be understood within this light.

I should be grateful if you would kindly circulate this letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex

Ethiopia's Cartographic Amnesia

Ethiopia's Ministry of Foreign Affairs has denied issuing a "new map recently", stating that "the copy under reference was merely made available to the diplomatic community last May" after the eruption of the conflict. The Foreign Ministry further asserted, in a statement issued on 19 October, that the "copy was based on maps used in Ethiopia for decades".

But this evasive approach raises more questions rather than answering the existing discrepancies in Ethiopia's territorial claims. Let us not squabble about timing, for the moment, as this is of marginal importance. The issue remains that Ethiopia has published two separate and distinct maps.

Last year, on 19 October, the Government of Ethiopia openly published a new map of Tigray (map I), which appeared in the weekly edition of Woyin, the official newspaper of the TPLF, Ethiopia's ruling party (full article attached). This map, which includes large chunks of Eritrea's territory as part of Ethiopia, was described in the paper as "the product of four-year's work in conjunction with the Central Mapping Authority in Addis Ababa". The paper further contended that "the new map defines the boundaries of Tigray with neighbouring States as well as contiguous administrative regions within Ethiopia". Ethiopia's occupation of Adi Murug in July 1997 and continuous encroachment on the Badme area coincided with the release of this new map. This was a clear violation of Eritrean sovereignty, both in intent and practice.

Now, without rescinding this map, Ethiopia has "made available" a separate map (map II), which apparently conforms to Eritrea's recognized colonial boundaries. But even here, Badme village has been deliberately relocated so that its coordinates fall inside Ethiopia's uncontested territory. Furthermore, the town of Sheraro lies, in this map, outside the territory that Ethiopia claimed "is occupied by Eritrea". It may be recalled that Ethiopia's Parliament passed the resolution to declare war on the pretext that Badme and Sheraro were invaded and occupied by Eritrea.

Under these circumstances, the Government of Ethiopia must be made to answer the following fundamental questions with some degree of coherence and consistency:

(a) Does Ethiopia respect Eritrea's colonial boundaries? If the answer is yes, why doesn't Addis Ababa officially acknowledge that the October 1997 map is illegal?

(b) Is Ethiopia prepared to allow independent cartographers to ascertain the true location of Badme village?

(c) How about Sheraro? Ethiopia's Parliament asserted that the town was invaded and occupied by Eritrea on 12 May, while the map distributed by the Foreign Ministry to "illustrate the areas occupied by Eritrea" put the town outside the shaded "occupied areas".

Map I (a)

Our new regional map ready

A new administrative map has been prepared for Tigrai region in line with the zonal and sub-zonal federal structure. The head of the Physical Planning Department in the Office of Planning and Economic Development, Mr. Teklemedhin Dirar, told Weyin that the new map is the product of four-years work in conjunction with the Central Mapping Authority in Addis Ababa. He explained that the map will serve as a vital tool to identify the natural resources of the region, help conduct research and implement development programs.

Mr. Teklemedhin elaborated that the new map defines the boundaries of Tigrai with neighbouring states as well as contiguous administrative regions within Ethiopia. Apart from this, an Atlas map for the region is under preparation and that 70 percent of the project has already been finalized, he pointed out. Mr. Teklemedhin said that the Atlas map will be ready by the end of the year.

According to the department head, the region's new administrative map prepared on 1: 250,000 cm. scale has already been approved by the Tigrai Regional Administration. It has also been sent to the Central Mapping Authority in Addis Ababa for printing. Shortage of manpower and support services caused delay, he further explained. However, agencies like the Sarti Commission have contributed in the implementation of the project through the provision of the necessary materials. Under the new map, Tigrai Region will have 4 zones and 35 sub-zones.

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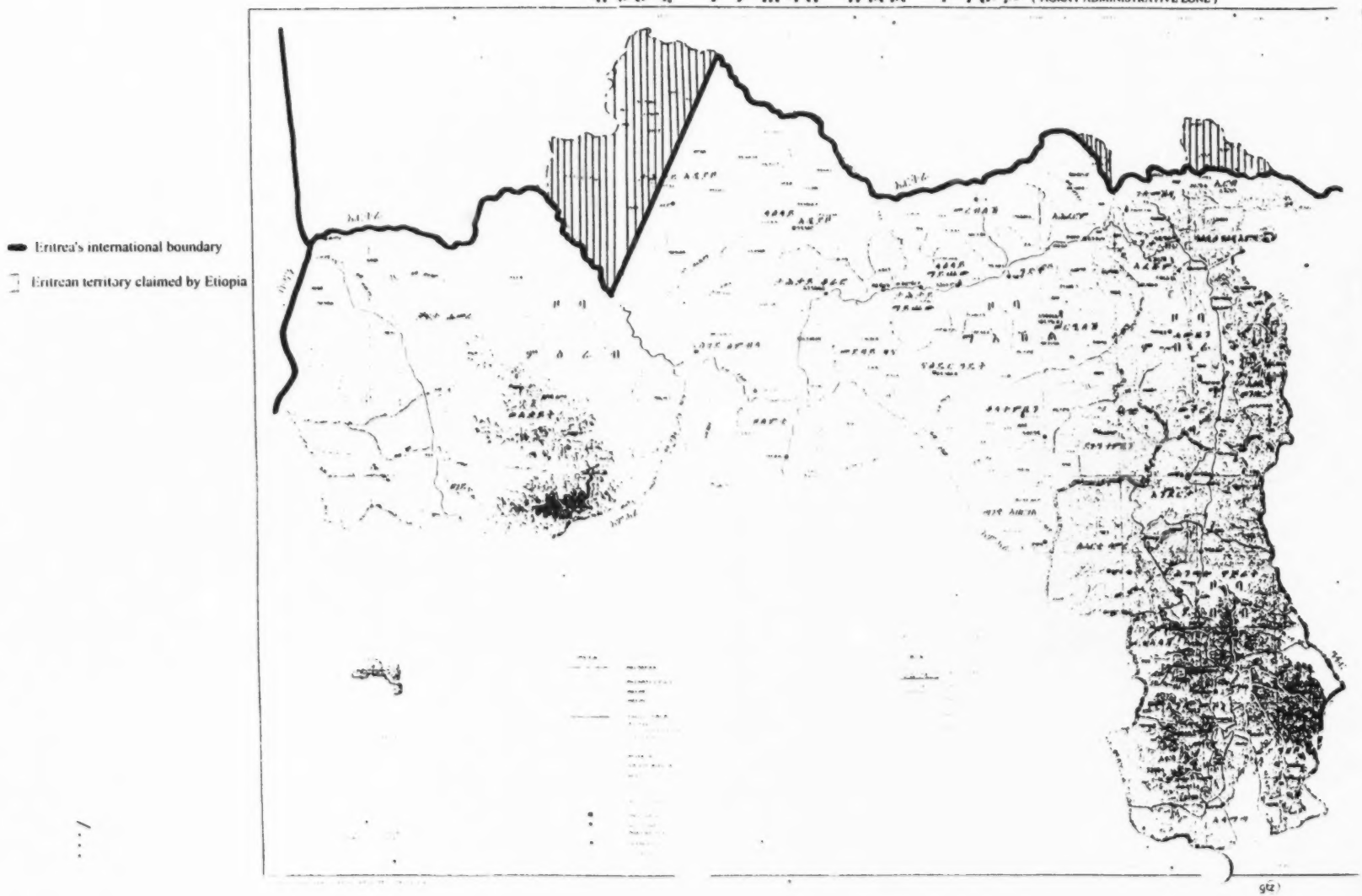
Map I (b)

ብሄራዊ ምምሕዳር ክልል ትግራይ (TIGRAY ADMINISTRATIVE ZONE)



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Map II

UDAN
ERITREA
RED SEA
Keren
Akordat
Mitsiwa
ASMERA
Barentu
Mereb
Gash
Dekemehare
Adi Keyih
Mendefera
Adi Aw-ala
Mereb
Tekeze
Sheraro
Adi Da-iro
Rama
Adigrat
Humera
Axum
Adwa
Inda Silase
Tekeze
ETHIOPIA
Wikro
Abiy Adi
MEKELE
Debark
Dabat
Maychew

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Fifty-third session
Agenda item 45
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Identical letters dated 26 October 1998 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and to the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith a letter dated 26 October 1998 addressed to you by Mr. A. Abdullah, Vice-Minister for Foreign Affairs of the Islamic State of Afghanistan (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

Annex

Identical letters dated 26 October 1998 from the Vice-Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General and to the President of the Security Council

In the face of the recent offensives of the Taliban mercenaries in northern Afghanistan, the armed forces of the Islamic State of Afghanistan have been vastly engaged in a repulsing drive for the liberation of the occupied lands. Therefore, the situation, in which widespread support by the local populations of the formerly occupied areas has played a crucial part, is taking a sharp and drastic turn against the Taliban militia and their Pakistani patrons.

The armed forces of the Islamic State of Afghanistan, presently on the path of continuous advancement in the north, have, to date, taken effective control of the Province of Takhâr, including the provincial capital of Tâloqan, the district of Shâhrawân north-east of the Kunduz Province, and the Archi district of Kunduz Province.

With each city and town falling to the government forces, however, as witnessed by the locals and confirmed by the international news media, among them Pakistan's, the retreating Taliban militia, as previously in the cases of the cities of Mazâr-é-Sharif, Maimana and Samangân, have now in the Andarâb valley taken hundreds of civilians hostage.

On 24 October 1998, one day after a Taliban attempt to attack Panjshêr valley through the famous Khâwâk pass turned into one of their worst defeats in recent days, the people in the Andarâb valley spoke of the removal by the militia of as many as 760 of their loved ones, predominantly able-bodied men of Tâjik ethnicity, the centuries-long inhabitants of the valley.

Recalling its scores of reports on the long-pursued policies of ethnic cleansing, genocide and forced displacement of the non-Pashtun ethnics of Afghanistan by the Taliban, which were made regularly available to the United Nations, the Islamic State of Afghanistan continues to believe that what is happening to the civilians in the Andarâb valley, besides being an act of desperation, is also part of a planned systematic campaign by the Pakistani military service of forced deportation of the populations of different areas, belonging to certain ethnic groups, aimed at a demographic remodelling of the country, that must be stopped at any cost.

(Signed) A. ABDULLÂH
Vice-Minister for Foreign Affairs
Islamic State of Afghanistan